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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,879	12/10/2003	Lambros Apostolopoulos	22908.0000	6957
7590	01/13/2005		EXAMINER	
James C. Simmons The Law Office of James C. Simmons 11 Falmouth Lane Williamsville, NY 14221			CHIN SHUE, ALVIN C	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/732,879	APOSTOLOPOULOS, LAMBROS
	Examiner	Art Unit
	Alvin C. Chin-Shue	3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 15-34 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-28 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanton in view of Sturgis and Deck. Stanton, on pages 6,8,10 and 11, shows the claimed combination with the exception of not showing if his flooring (209) being is made up of a plurality of sections laid side-by-side, and an opening sized to accommodate both legs of his U-shaped member, and wherein the U-shaped member having legs of different length as set forth in claims 16,27 and 28. Sturgis shows flooring comprising a plurality of side-by-side flooring sections and J-bolts 37, as set forth in claims 16,27 and 28. Deck at 21 shows a slotted opening of a length to receive both legs of a U/J-shaped fastener. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stanton for his floor 209 to be made up of a plurality of flooring sections laid side-by-side, as taught by Sturgis, to facilitate handling of a flooring over a long span, as taught by Sturgis, and for his U-shaped bolt to comprise legs of different lengths, as set forth in claims 27 and 28, as taught by Sturgis, to facilitate

attachment to his cables, and for his U-shaped bolt openings to comprise a slotted bolt passage opening, as taught by Deck, to facilitate passage of his U-shaped member through his flooring.

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohawk, Sturgis, and Deck, as applied to claim 25 above, and further in view of Hutton. Hutton shows locking plates in figs. 9 and 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the securing fasteners of Stanton with plates, as taught by Hutton, as a bearing means for bridging his apertures and locking his bolts to his floor.

Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohawk, Deck, and Sturgis, as applied to claim 25 above and further in view of Margartis. Margartis teaches of attaching the ends of platform supporting cables by releasable securing means 50 to his structure at 20, and further shows the use of screws at 72 to compress his securing means 50 to his structure, as set forth in claim 33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the ends of Stanton's cables to his structure by a securing means, as taught by Margartis, to suspend his platform from his structure.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanton, Sturgis, and Deck, as applied to claim 25 above, and further in view of

Potin. Potin in fig 4 teaches the supporting an intermediate section of a cable-supported floor by a cable having one end attached to his structure and the other end attached to his cable-flooring section fastener 33. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stanton to comprise intermediate vertical cables, as taught by Potin, attached to enhance the support of his platform.

Claims 22,23,33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanton, Sturgis, Deck, and Margartis as applied to claim 15 above, and further in view of Hutton as applied above.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanton, Sturgis, Deck, and Margartis as applied to claim 15 above, and further in view of Potin as applied above.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stanton, Sturgis, Deck, Margartis and Hutton as applied to claim 22 above, and further in view of Potin as applied above.

Applicant's arguments filed 11.1.04 have been fully considered but they are not persuasive. Applicant argues that Stanton teaches away from the claimed invention because of teaching a pair of holes for his U-shaped fastener. The examiner disagrees, as it appears that applicant is stating that if a reference does

not anticipate a claimed invention then it teaches away from the invention, such opinion is not factually based. With respect to the combination with Sturgis, Stanton is silent as to the use of a plurality of sections to for his metal deck floor, although it is inconceivable that Stanton would use a single metal deck section cut for a particular bridge span when his device is to be used for different bridges usually of a long span, Sturgis teaches of forming a bridge platform using a plurality of flooring sections laid side-by-side on cables, rather than a single section, to facilitate assembly, and Sturgis was not used to teach slotted openings as argued by applicant. With respect to Deck, Deck was not use to teach a plurality of flooring sections as argued by applicant, but the teaching of a slot being of a size to facilitate the passage of both legs of a fastener therethrough. Applicant's argument that Deck inserts his fastener from beneath is incorrect (note column 6, line 16). Applicant argument that the combined teaching would not teach all the claimed elements is incorrect. Applicant should state which element is not taught by the combination as applied in the rejection above rather than the incorrect combination as argued by applicant. All of applicant's arguments with regards to the references teaching away from the claimed invention are deemed to be merely opinions which are not factually based.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634

ACS